



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No. 45 of 2021

IN THE MATTER OF:

Syamantak Trust & Ors.

Appellants

Versus

The State of Maharashtra & Others.

Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE ENVIRONMENT

DEPARTMENT, GOVERNMENT OF MAHARASHTRA

I, Abhay Madhukar Pimparkar, Age 47 years, Occ. Service,
Director, Environment and Climate Change Department and Member



Secretary, State Wetland Authority, Government of Maharashtra of the Respondent No. 4 abovenamed having my office address at 15th Floor, New Administrative Building, Mantralaya, Mumbai- 400 032 do hereby beg to state on solemn affirmation as under:

1. That I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering Respondent.
2. That I have gone through and understood the contents of the Original Application. I deny each and every averment except those which are admitted herein expressly.

PARAWISE REPLY

3. That on 15.07.2021 in para 3, Hon'ble Tribunal directed as below:

“We find it necessary to ascertain the status of compliance from a joint Committee comprising State Wetland Authority, District Magistrate, Sindhudurg, CPCB and State PCB. The State Wetland Authority will be the nodal agency for coordination and compliance. The Committee may ascertain the facts by visiting



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the site and conduct all other proceedings online. It may ascertain whether there is shrinkage of lake, status of demarcation of flood plain/ line, sources of pollution of the lake and the restoration plan.”

4. That on 12.10.2021 the State Wetland Authority, constituted a committee vide letter dated 12.10.2021 comprising of District Magistrate, Sindhudurg, Member of Central Pollution Control Board and Member of Maharashtra Pollution Control Board.
5.
 - i. Joint Committee visited the Dhamapur Lake, Sindhidurg.
 - ii. The Committee noted that the Shivkalin Dhamapur lake was reportedly constructed for the purpose of drinking water and agricultural use. Therefore, the Committee opined that the Dhamapur lake is exempted from the definition of Wetland.
6. That on 27.10.2022, the Site Visit Report of said committee was communicated to Hon’ble National Green Tribunal, Principal Bench and also mailed on judicialngt@gov.in.

That on 08.11.2021, Hon’ble NGT took cognizance of the report.



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9. That in view of the detailed averments made in the forgoing paragraphs, this Hon'ble Tribunal may pass any order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Place: Mumbai

Date: 02.12.2022

(Abhay Madhukar Pimparkar)

Deponent

Director, Environment & CC and
Member Secretary, State Wetland

Authority



VERIFICATION

I, Abhay Madhukar Pimparkar, Age 47 years, Occ. Service, Director, Environment and Climate Change Department and Member Secretary, State Wetland Authority, Government of Maharashtra of the Respondent No. 4 above named having my office address at 15th Floor, New Administrative Building, Mantralaya, Mumbai- 400 032 do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at Mumbai on this day of December, 2022

Place: Mumbai

(Abhay Madhukar Pimparkar)

Date: 02.12.2022

Deponent

Director, Environment & CC and
Member Secretary, State Wetland

Authority

Identified by me

(Signature)
(Chaudhakar Ajeem Vibhute)
Deputy Secretary,
Environment & CC, Dept.



(P.T.O)

SOLEMNLY AFFIRMED

BEFORE ME BY DEPONENT

SHRI Abhay Madhukar Pimparkar

WHO IS IDENTIFIED

BY SHRI Chandrakant Arun Vibhute

Hinane
02/12/2022

Joint Secretary
Government of Maharashtra
Law and Judiciary Department
Mantralaya, Mumbai 400 032

